

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case Number: 1:12-cv-00257-JB-LFG

LARRY GOLDSTONE, CLARENCE G. SIMMONS,
III, and JANE E. STARRETT,

Defendants.

JOINT MOTION TO MODIFY SCHEDULING ORDER

Pursuant to D.N.M. LR-Civ. 16.1, the parties jointly move to amend this Court's Scheduling Order [Doc. 54] entered on July 11, 2012 (the "Scheduling Order"). As grounds for this Motion, the parties state as follows:

1. Plaintiffs filed the present lawsuit on March 13, 2012.
2. Since then, all parties have diligently pursued discovery. The parties have exchanged written discovery requests, responded to those requests, and taken depositions.
3. The parties recently served a substantial number of responses to written discovery requests.
4. Plaintiff's document production remains ongoing and the parties expect further negotiations related to this discovery.
5. Defendants have served Plaintiff with a notice for a Rule 30(b)(6) deposition and expect further negotiations related to this discovery.
6. Given the time needed to meet and confer on these issues, and to determine whether additional motions relating to fact discovery will be necessary, the parties suggest that the March 20, 2013 deadline for filing motions related to fact discovery be modified.

7. A ruling on Defendants' motions to dismiss is forthcoming.

8. After conferring in good faith, the parties ask that the deadline for filing motions relating to fact discovery be extended to 60 days after the Court files a memorandum opinion deciding the last of the Defendants' motions to dismiss.

9. Under this proposed modification to the Scheduling Order, all other pretrial deadlines will remain the same.

For these reasons, the parties ask this Court to enter an order revising the Scheduling Order to incorporate the modification set forth in this motion.

Dated: March 13, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 13, 2013, Joint Motion to Modify Scheduling Order was electronically filed with the Clerk of Court using the CM/ECF system that will send notification of such filing to all counsel of record.

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